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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/456,997	12/07/1999	TSUNEHIRO TSUKADA	35.C14095	7183

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EXAMINER

NGUYEN, THU HA T

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

HG

Office Action Summary	Application No.	Applicant(s)
	09/456,997	TSUKADA, TSUNEHIRO
	Examiner	Art Unit
	Thu Ha T. Nguyen	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 July 1999.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
 | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-10 are presented for examination.

102(e)

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 37 1(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1, 4-5, 8-10 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Barrick, Jr. et al.** (hereinafter Barrick, Jr.) U. S. Patent No. 6,006,260.

4. As to claim 1, **Barrick, Jr.** teaches the invention substantially as claimed, including a data processing method comprising:

a reception step of receiving a request for data loading from a terminal (col. 2 lines 18-35);

an end discrimination step of discriminating whether the generation of requested data has ended (abstract, col. 2 lines 18-28);

a first transmission step of transmitting the requested data if the generation thereof has ended (abstract, col. 2 lines 29-35);

an estimation step of estimating an end time if the generation of the requested data has not ended (abstract, col. 7 lines 51-col. 8 lines 46); and

a second transmission step of transmitting the estimated end time together with display information indicating that the data generation is in progress (abstract, col. 4 lines 60-col. 5 lines 6, col. 7 lines 51-col. 8 lines 46).

5. As to claim 4, **Barrick, Jr.** teaches the invention substantially as claimed, including a data processing method comprising:

an issuing step of issuing a request for data loading to a server (col. 2 lines 18-35);

a display step of displaying display data received in response to said request (col. 8 lines 28-46); and

a re-issuing step, in case an estimated end time for data generation is received together with said display data, of issuing again the request for data loading when said end time is reached (abstract, col. 4 lines 60-col. 5 lines 6, col. 7 lines 51-col. 8 lines 46).

6. As to claim 5, **Barrick, Jr.** teaches the invention substantially as claimed, including a data processing apparatus comprising:

reception means for receiving a request for data loading from a terminal (col. 2 lines 18-35);

end discrimination means for discriminating whether the generation of requested data has ended (abstract, col. 2 lines 18-28);

first transmission means for transmitting the requested data if the generation thereof has ended (abstract, col. 2 lines 29-35);

estimation means for estimating an end time if the generation of the requested data has not ended (abstract, col. 7 lines 51-col. 8 lines 46); and

second transmission means for transmitting the estimated end time together with display information indicating that the data generation is in progress (abstract, col. 4 lines 60-col. 5 lines 6, col. 7 lines 51-col. 8 lines 46).

7. As to claim 8, **Barrick, Jr.** teaches the invention substantially as claimed, including a data processing apparatus comprising:

issuing means for issuing a request for data loading to a server (col. 2 lines 18-35);

display means for displaying display data received in response to said request (col. 8 lines 27-46); and

control means adapted, in case an estimated end time for data generation is received together with said display data, to so control said issuing means as to issue again the request for data loading when said end time is reached (abstract, col. 4 lines 60-col. 5 lines 6, col. 7 lines 51-col. 8 lines 46).

8. As to claim 9, **Barrick, Jr.** teaches the invention substantially as claimed, including a computer readable storage medium storing a data processing program for controlling a computer to perform data processing, said program comprising codes for causing the computer to perform:

a reception step of receiving a request for data loading from a terminal (col. 2 lines 18-35);

an end discrimination step of discriminating whether the generation of requested data has ended (abstract, col. 2 lines 18-28);

a first transmission step of transmitting the requested data if the generation thereof has ended (abstract, col. 2 lines 29-35);

an estimation step of estimating an end time if the generation of the requested data has not ended (abstract, col. 7 lines 51-col. 8 lines 46); and

a second transmission step of transmitting the estimated end time together with display information indicating that the data generation is in progress (abstract, col. 4 lines 60-col. 5 lines 6, col. 7 lines 51-col. 8 lines 46).

9. As to claim 10, **Barrick, Jr.** teaches the invention substantially as claimed, including a computer readable storage medium storing a data processing program for controlling a computer to perform data processing, said program comprising codes for causing the computer to perform:

an issuing step of issuing a request for data loading to a server (col. 2 lines 18-35);

a display step of displaying display data received in response to said request
(col. 8 lines 27-46); and

a re-issuing step, in case an estimated end time for data generation is received together with said display data, of issuing again the request for data loading when said end time is reached (abstract, col. 4 lines 60-col. 5 lines 6, col. 7 lines 51-col. 8 lines 46).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 2-3 and 6-7 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Barrick, Jr. et al.** (hereinafter Barrick, Jr.) U.S. Patent No. **6,006,260**, in view of **Sugiarto et al.** (hereinafter Sugiarto) U.S. Patent No. **6,278,449**.

12. As to claim 2, **Barrick, Jr.** does not explicitly teaches the invention substantially as claimed, wherein said estimation step estimates the end time based on the size of the generated data. However, **Sugiarto** teaches wherein said estimation step estimates the end time based on the size of the generated data (figure 6, col. 6

lines 41-65): It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of **Barrick, Jr. and Sugiarto** to have the step of estimates the end time based on the size of the generated data because it would have an efficient data processing system that can reduce or modify the estimation downloading time prior transmitting data to terminal device.

13. As to claim 3, **Barrick, Jr.** does not explicitly teaches the invention substantially as claimed, wherein said data are result of execution of a predetermined process, and said estimation step estimates the end time based on the time required for executing said predetermined process. However, **Sugiarto** teaches wherein said data are result of execution of a predetermined process, and said estimation step estimates the end time based on the time required for executing said predetermined process (figures 5-6). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of **Barrick, Jr. and Sugiarto** to have the step of estimate the end time based in the time required for executing the predetermined process because it would have an efficient data processing system that can provide the estimation downloading time prior transmitting data to terminal device.

14. Claims 6-7 have similar limitations as claims 2-3; therefore, they are rejected under the same rationale.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (703) 305-7447. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SPE Ayaz R. Sheikh, can be reached at (703) 305-9648.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7240 for regular communications and 703-746-7238 for After Final communications.

Thu Ha Nguyen

October 17, 2002


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100